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9 **BEFORE THE**
PHYSICIAN ASSISTANT BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 950-2020-002687

13 **OSCAR GALINDO, P.A.**
14 **9309 Muroc St.**
Bellflower, CA 90706

ACCUSATION

15 **Physician Assistant License No. PA 19847**

16 Respondent.
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21 **PARTIES**

22 1. Rozana Khan (Complainant) brings this Accusation solely in her official capacity as
23 the Executive Officer of the Physician Assistant Board, Department of Consumer Affairs.

24 2. On or about August 5, 2008, the Physician Assistant Board issued Physician Assistant
25 License Number PA 19847 to OSCAR GALINDO, P.A. (Respondent). The Physician Assistant
26 License was in full force and effect at all times relevant to the charges brought herein and will
27 expire on March 31, 2022, unless renewed.

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4. Section 3527 of the Code states, in pertinent part:

...

(e) The expiration, cancellation, forfeiture, or suspension of a PA license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on

1 appeal, or when an order granting probation is made suspending the imposition of
2 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
3 the Penal Code.

4 (d) The Legislature hereby finds and declares that the application of this section
5 has been made unclear by the holding in *Petropoulos v. Department of Real Estate*
6 (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant
7 number of statutes and regulations in question, resulting in potential harm to the
8 consumers of California from licensees who have been convicted of crimes.
9 Therefore, the Legislature finds and declares that this section establishes an
10 independent basis for a board to impose discipline upon a licensee, and that the
11 amendments to this section made by Chapter 33 of the Statutes of 2008 do not
12 constitute a change to, but rather are declaratory of, existing law.

13 7. Section 2234 of the Code states, in pertinent part:

14 The board shall take action against any licensee who is charged with unprofessional
15 conduct. In addition to other provisions of this article, unprofessional conducts includes,
16 but is not limited to, the following:

17 (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
18 violation of, or conspiring to violate any provision of this chapter.

19 ...

20 8. Section 2236 of the Code states, in pertinent part:

21 The conviction of any offense substantially related to the qualifications, functions, or
22 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of
23 this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be
24 conclusive evidence only of the fact that the conviction occurred.

25 ...

26 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
27 be a conviction within the meaning of this section and Section 2236.1. The record of
28 conviction shall be conclusive evidence of the fact that the conviction occurred.

9. Section 3531 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere
made to a charge of a felony or of any offense which is substantially related to the
qualifications, functions, or duties of the business or profession to which the license
was issued is deemed to be a conviction within the meaning of this chapter. The
board may order the license suspended or revoked, or shall decline to issue a license
when the time for appeal has elapsed, or the judgment of conviction has been
affirmed on appeal or when an order granting probation is made suspending the
imposition of sentence, irrespective of a subsequent order under the provisions of
Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment.

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1 **REGULATORY PROVISIONS**

2 10. California Code of Regulations, title 16, section 1399.521, states, in pertinent part:

3 In addition to the grounds set forth in section 3527, subd. (a), of the code the board
4 may deny, issue, subject to terms and conditions, suspend, revoke or place on probation a
physician assistant for the following causes:

5 (a) Any violation of the State Medical Practice Act which would constitute
6 unprofessional conduct for a physician and surgeon.

7 11. California Code of Regulations, title 16, section 1399.525, states:

8 (a) For the purposes of the denial, suspension or revocation of a license
9 pursuant to division 1.5 (commencing with section 475) of the code, a crime,
professional misconduct, or act shall be considered to be substantially related to the
10 qualifications, functions or duties of a person holding a license under the Physician
Assistant Practice Act if to a substantial degree it evidences present or potential
11 unfitness of a person holding such a license to perform the functions authorized by
the license in a manner consistent with the public health, safety or welfare.

12 (b) In making the substantial relationship determination required under
13 subdivision (a) for a crime, the board shall consider the following criteria:

14 (1) The nature and gravity of the offense;

15 (2) The number of years elapsed since the date of the offense; and,

16 (3) The nature and duties of a physician assistant.

17 (c) For purposes of subdivision (a), substantially related crimes, professional
misconduct, or acts shall include, but are not limited to, the following:

18 (1) Violating or attempting to violate, directly or indirectly, or assisting in
or abetting the violation of, or conspiring to violate any provision or term of the
19 Medical Practice Act.

20 (2) Violating or attempting to violate, directly or indirectly, or assisting in or
abetting the violation of, or conspiring to violate any provision or term of the
21 Physician Assistant Practice Act.

22 ...

23 (6) Conviction for assault and/or battery.

24 **COST RECOVERY**

25 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
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1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **FACTUAL ALLEGATIONS**

4 13. On or about the early morning November 14, 2014, officers were dispatched to a
5 residence occupied by the Respondent and his girlfriend/victim J.S., regarding a domestic
6 violence call. Respondent was involved in an argument with J.S. wherein Respondent pushed J.S.
7 and punched J.S. three (3) times in the face making her fall on her bed. Thereafter, Respondent
8 got on top of J.S., placed both hands around her neck and started to apply strong pressure. While
9 J.S. was attempting to remove his hands, Respondent grabbed a hard stone object and pressed it
10 firmly onto her face. J.S. told officers "I thought he was going to kill me by smashing the rock
11 into my head. I was so scared, I just want to see my children." J.S. eventually got herself off the
12 bed, exited the front door and ran down the street to a random house, and asked residents to call
13 police. As a result of this incident, on or about August 6, 2020, in the criminal proceeding entitled
14 *The People of the State of California v. Oscar Galindo* (Super. Ct. Los Angeles County, Case No.
15 9BL08691), Respondent was convicted of violating Penal Code section 273.5(a), (domestic
16 violence - corporal injury to spouse or cohabitant). Respondent was placed on probation for a
17 term of three (3) years on certain terms and conditions.

18 **FIRST CAUSE FOR DISCIPLINE**

19 (Conviction)

20 14. Respondent is subject to disciplinary action under Code sections 3527, 3531, 2234,
21 and 2236, and California Code of Regulations, title 16, sections 1399.521 and 1399.525, in that
22 Respondent was convicted of crimes substantially related to the qualifications, functions, and/or
23 duties of a physician assistant. Complainant re-alleges paragraph 13 as if fully set forth herein.

24 **DISCIPLINE CONSIDERATIONS**

25 15. To determine the degree of discipline, if any, to be imposed on Respondent,
26 Complainant alleges that on or about July 25, 2017, in a prior action, the Physician Assistant
27 Board issued Citation Number 05-17 (Case No. 950-2016-001021) based on a criminal
28 misdemeanor conviction ordered against Respondent on December 3, 2015, for violation of

1 California Vehicle Code 23152(a), (driving under the influence with a blood alcohol content of
2 .08% or higher). In the Board's citation, Respondent was ordered to pay a fine amount of
3 \$500.00. On or about October 20, 2017, Respondent paid the citation fine. That citation is now
4 final.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Physician Assistant Board issue a decision:

8 1. Revoking or suspending Physician Assistant License Number PA 19847, issued to
9 OSCAR GALINDO, P.A.;

10 2. Ordering OSCAR GALINDO, P.A. to pay the Physician Assistant Board the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12 Professions Code section 125.3;

13 3. Ordering OSCAR GALINDO, P.A., if placed on probation, to pay the Physician
14 Assistant Board the costs of probation monitoring; and,

15 4. Taking such other and further action as deemed necessary and proper.

16
17 DATED: February 8, 2022

Rozana Khan

ROZANA KHAN
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant

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